

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM R. WILKINSON, JR. : CIVIL ACTION
(HZ-4712)
vs. :
PENNSYLVANIA DEPARTMENT OF : NO. 10-CV-7020
CORRECTIONS, et al.

ORDER

AND NOW, this 28th day of November, 2011, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge and the Petitioner's Motion in Opposition to the Report and Recommendation, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Plaintiff's Motion for Summary Judgment Rule 56 (Docket Entry No. 21) is DENIED.
3. Petitioner's Motion in Opposition to Commonwealth, "Response to Motion for Writ of Habeas Corpus", with Affidavit Accompanying Motion in Opposition and Memorandum of Law in Support of Affidavit (Docket Entry No. 27) is DENIED.
4. Petitioner's Motion to Amend Habeas Corpus with New Information (Docket Entry No. 29) is DENIED WITHOUT PREJUDICE.
5. Petitioner's Motion in Opposition to the Order dated September 19, 2011 (Docket Entry No. 31) is DENIED.
6. The Petition for a Writ of Habeas Corpus is DENIED AND DISMISSED WITHOUT PREJUDICE for failure to exhaust available state court remedies.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, C.J.